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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,969 -	01/15/2004	Armin G. Ebrahimi	649388-999003	6514

56020 7590 06/28/2006

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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,969

Applicant(s)

EBRAHIMI ET AL.

Examiner

Doug Hutton

Art Unit

3999

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-98 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-98 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

- The number “210” on Page 5, Paragraph 0021, third sentence should be amended to – 210A – because that is how the element is identified in the drawings (see Figure 2).
- The number “112” on Page 6, Paragraph 0024, seventh sentence should be amended to – 112A – because that is how the element is identified in the drawings (see Figure 1). This same problem reoccurs in other portions of the Specification and should be corrected in every instance.
- The number “115” on Page 6, Paragraph 0024, seventh sentence should be amended to – 115A – because that is how the element is identified in the drawings (see Figure 1). This same problem reoccurs in other portions of the Specification and should be corrected in every instance.
- The number “130” on Page 6, Paragraph 0025, first sentence should be amended to – 130A – because that is how the element is identified in the drawings (see Figure 1). This same problem reoccurs in other portions of the Specification and should be corrected in every instance.
- The number “322” should be inserted between the terms “page” and “for” on Page 7, Paragraph 0027, third sentence because that drawing number refers to

the “default page” mentioned in the cited paragraph. The number “322” Page 7, Paragraph 0027, fifth sentence should be deleted because it is unnecessary.

- Applicant should amend the Specification to indicate the meaning of the acronym “CPM” on Page 9, Paragraph 0035, sixth sentence.
- Applicant should amend Paragraph 0040 (see Page 11) to explain what is meant by the phrase “express the nominal value in dollars *per impression*” (see Page 11, Paragraph 0040, fifth sentence). Specifically, in the amendment, Applicant should explain what an “impression” is.

Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 110A-C and 130A-C (in the Specification, see Page 5, Paragraph 0021, second sentence), 210.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as

either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 50 is objected to because of the following informalities:

- The term "a" in Line 3 should be amended to — the — because the web page is previously mentioned in the claim (see Line 1).

Claims 51, 77 and 90 are objected to because of the following informalities:

- In Claim 51, the term "a" in Line 1 should be amended to — the — because the web page is previously mentioned in the claims (see Claim 50, Line 1).
- In Claim 51, the term "*wherein*" in Line 7 should be relocated to the beginning of Line 8 because the term modifies that limitation recited in Lines 8-11. Claims 77 and 90 have the same problem.
- In Claim 51, the term "*function*" in Line 8 should be amended to — first function — because there are multiple functions recited in the limitation (see Lines 8 and 10) and the multiple functions must be distinguished. Claims 77 and 90 have the same problem.

- In Claim 51, the term “*an*” in Line 9 should be amended to — the — because the actual value of each page component is previously mentioned in the claim (see Line 8). Claims 77 and 90 have the same problem.
- In Claim 51, the term “*a*” in Line 9 should be amended to — each — because that is how the element is previously identified (see Lines 8-9). Claims 77 and 90 have the same problem.
- In Claim 51, the term “*function*” in Line 10 should be amended to — second function — because there are multiple functions recited in the limitation (see Lines 8 and 10) and the multiple functions must be distinguished. Claims 77 and 90 have the same problem.

Claim 69 is objected to because of the following informalities:

- The phrase “*eliminating a page components*” in Line 5 should be amended to — eliminating *[[a]]* page components — so that it is grammatically correct.

Claim 77 is objected to because of the following informalities:

- The phrase “*for use in building*” in Line 1 should be amended to — and for using said database to build — because the database is used to build the web page, as recited in Lines 6-16 of the claim. In other words, the recited method performs two functions: 1) it builds a database; and 2) it builds web pages using the database.

Claim 78 is objected to because of the following informalities:

- The phrase “*a request*” in Line 2 should be amended to — the request — because the web page is previously mentioned in the claims (see Claim 77, Line 6).

Claim 79 is objected to because of the following informalities:

- The phrase “*a page component*” in Line 2 should be amended to — each page component — because the page components are previously mentioned in the claims (see Claim 77, Lines 9-10 and 12-13). This same problem occurs in Line 6.

Claim 80 is objected to because of the following informalities:

- The phrase “*a page component*” in Line 2 should be amended to — each page component — because the page components are previously mentioned in the claims (see Claim 77, Lines 9-10 and 12-13).
- The phrase “*a specific version*” in Line 5 should be amended to — one of said versions — because the versions of the page components are previously mentioned in the claim (see Lines 2-3).

Claim 81 is objected to because of the following informalities:

- The phrase "*a version*" in Line 2 should be amended to — one of said versions — because the versions of the page components are previously mentioned in the claims (see Claim 80, Lines 2-3).

Claim 82 is objected to because of the following informalities:

- A comma should be inserted between the terms "*wherein*" and "*for*" in Line 1 so that the limitation is proper punctuated.

Claim 83 is objected to because of the following informalities:

- The phrase "*a page component*" in Line 2 should be amended to — each page component — because the page components are previously mentioned in the claims (see Claim 77, Lines 9-10 and 12-13).
- The phrase "*a nominal value for the page component*" in Line 4 should be amended to — the nominal value for each page component — because the nominal values for the page components are previously mentioned in the claims (see Claim 77, Lines 7-8 and 14-15).

Claim 88 is objected to because of the following informalities:

- The term "*a*" in Line 1 should be amended to — the — because the plurality of page components is previously mentioned in the claims (see Claim 77, Line 4).

Claim 89 is objected to because of the following informalities:

- The term “a” in Line 4 should be amended to — the — because the web page is previously mentioned in the claim (see Line 1).
- The phrase “a request” in Line 6 should be amended to — the request — because the request is previously mentioned in the claim (see Line 1).
- The phrase “a user” in Line 6 should be amended to — the user — because the user is previously mentioned in the claim (see Line 1).

Claim 91 is objected to because of the following informalities:

- The term “a” in Line 4 should be amended to — the — because the page components are previously mentioned in the claims (see Claim 90, Lines 4-5).

Claim 92 is objected to because of the following informalities:

- The phrase “a nominal value” in Line 3 should be amended to — the nominal value — because the nominal values are previously mentioned in the claims (see Claim 90, Lines 2-5).
- The phrase “a candidate component” in Line 3 should be amended to — the candidate component — because the candidate components are previously mentioned in the claims (see Claim 90, Lines 2-5).
- The term “function” in Line 3 should be amended to — third function — because there are multiple functions recited in the claims (see Claim 90, Lines 8 and 10) and the multiple functions must be distinguished.

Claim 93 is objected to because of the following informalities:

- The phrase “*a nominal value*” in Line 3 should be amended to — the nominal value — because the nominal values are previously mentioned in the claims (see Claim 90, Lines 2-5).
- The phrase “*at least one candidate component*” in Line 3 should be amended to — the candidate component — because the candidate components are previously mentioned in the claims (see Claim 90, Lines 2-5).
- The term “*function*” in Line 4 should be amended to — fourth function — because there are multiple functions recited in the claims (see Claim 90, Lines 8 and 10) and the multiple functions must be distinguished.

Claim 94 is objected to because of the following informalities:

- The phrase “*a nominal value*” in Line 3 should be amended to — the nominal value — because the nominal values are previously mentioned in the claims (see Claim 90, Lines 2-5).
- The phrase “*at least one candidate component*” in Line 3 should be amended to — the candidate component — because the candidate components are previously mentioned in the claims (see Claim 90, Lines 2-5).
- The term “*function*” in Line 4 should be amended to — fifth function — because there are multiple functions recited in the claims (see Claim 90, Lines 8 and 10) and the multiple functions must be distinguished.

Claim 95 is objected to because of the following informalities:

- The term “a” in Line 4 should be amended to — the — because the page components are previously mentioned in the claims (see Claim 90, Lines 4-5).

Claim 96 is objected to because of the following informalities:

- The phrase “*a page component*” in Line 1 should be amended to — the page component — because the page components are previously mentioned in the claims (see Claim 90, Lines 4-5).
- The term “*function*” in Line 2 should be amended to — sixth function — because there are multiple functions recited in the claims (see Claim 90, Lines 8 and 10) and the multiple functions must be distinguished.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 51, 52, 54-71, 77-88 and 89-98 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 51, 77 and 90:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 51 recites a method for generating a dynamic web page (see Claim 50), comprising the steps of:

1. ***identifying possible*** components for a web page (see Line 3), each of the components having a “**nominal** value” (see Lines 3-4), and
2. ***from the possible*** components, ***selecting page*** components for a web page (see Lines 5-6).

Claim 51 also specifies that the selection of the page components is ***determined*** by an “**optimization**” of an “**actual** value” of the **web page** (see Lines 6-7). The claim further specifies that the “**actual** value” of the **web page** is a “function” of the “**actual** value” of **each** selected page **component** placed onto the web page (see Lines 8-9). Finally, the claim specifies that the “**actual** value” of **each** selected page **component** placed onto the web page is ***determined*** by a “function” of:

1. the “**nominal** value” of the page **component**, and
2. an “**effectiveness**” of the page **component** (see Lines 9-11).

Thus, the selection of web page components ultimately depends upon the “*nominal value*” and the “*effectiveness*” of the web page components.

Claim 51 is indefinite in two respects, both of which relate to the “selected components” recited in the claim. The “selected components” recited in Claim 51 comprise:

1. content (see Specification – Pages 8-9, Paragraph 0032),
2. hyperlinks (see Specification – Pages 8-9, Paragraph 0032), and
3. advertisements (see Specification – Pages 8-9, Paragraph 0032).

With regard to the first aspect of indefiniteness (i.e., the “nominal value” of a web page component), Claim 51 is indefinite as follows. Each component has a “nominal value” (see Specification – Page 9, Paragraph 0035, second sentence), which may change as a function of a user’s request or the user’s profile (see Specification – Page 9, Paragraph 0035, third sentence). The “nominal value” of a component depends upon a number of factors, such as:

1. financial impact,
2. relevancy, and
3. form (see Specification – Page 10, Paragraph 0036, first and second sentences).

The “formulation” used to determine a “nominal value” can vary (see Specification – Page 10, Paragraph 0036, first and second sentences). This “formulation” appears to be an arbitrary, subjective determination made by a computer programmer. That is, a

computer programmer may select any numerical value as the “nominal value” of a component. The examiner notes that the Specification of the present invention fails to give a single example any concrete, objective, mathematical formula used to calculate the “nominal value” of a web page component.

Essentially, rather than trying to patent a concrete, objective method used to calculate a “nominal value” of a web page component, Applicant is attempting to patent the abstract *idea* of arbitrarily selecting a “nominal value” of a web page component and thereby usurp all possible formulas for calculating a “value” of a web page component. Claim 51 recites neither a specific formula for, nor the specific variables used in, calculating a “nominal value” of a web page component. Instead, Claim 51 simply recites “*a nominal value of the page component*” (see Line 10) that is used in other calculations.

Accordingly, Claim 51 fails to recite statutory subject matter under 35 U.S.C. 101 in that the recited invention does not produce a “concrete” result. The nebulous “nominal value,” as recited in Claim 51, will ensure that different web pages are built each time the present invention is executed. That is, Claim 51 does not result in assured, repeatable, and objective results.

With regard to the second aspect of indefiniteness (i.e., the “effectiveness” of a web page component), Claim 51 is indefinite as follows. Each component has an

“effectiveness” (see Specification – Page 7, Paragraph 0027, last sentence), which depends on factors such as placement and clutter (see Specification – Page 12, Paragraph 0043, second sentence). The “formulation” used to determine an “effectiveness” can vary (see Specification – Page 12, Paragraph 0043, first sentence). That is, a computer programmer may select any numerical value as the “effectiveness” of a component. The examiner notes that the Specification of the present invention fails to give a single example any concrete, objective, mathematical formula used to calculate the “effectiveness” of a web page component.

Essentially, rather than trying to patent a concrete, objective method used to calculate an “effectiveness” of a web page component, Applicant is attempting to patent the abstract *idea* of arbitrarily selecting an “effectiveness” of a web page component and thereby usurp all possible formulas for calculating a “value” of a web page component. Claim 51 recites neither a specific formula for, nor the variables used in, calculating an “effectiveness” of a web page component. Instead, Claim 51 simply recites “*an effectiveness of the page component*” (see Line 11) that is used in other calculations.

Accordingly, Claim 51 fails to recite statutory subject matter under 35 U.S.C. 101 in that the recited invention does not produce a “concrete” result. The nebulous “effectiveness,” as recited in Claim 51, will ensure that different web pages are built each time the present invention is executed. That is, Claim 51 does not result in assured, repeatable, and objective results.

Claims 77 and 90 correspond to Claim 51 and are rejected under 35 U.S.C. 101 using the same rationale.

Claims 52, 54-71, 78-88 and 91-98:

Claims 52, 54-71, 78-88 and 91-98 are dependent upon Claims 51, 77 and 90, and are thus rejected under 35 U.S.C. 101 using the same rationale indicated in the above rejection.

Claims 89-98:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 89 recites a “computer system” comprising:

- a database that includes “information” describing “page components,” and
- a server that includes “instructions” for performing various functions.

As such, the recited invention is computer software *per se*. A computer program is merely a set of instructions capable of being executed by a computer. The computer program itself is not a statutory process in that it does not include the computer-

readable medium needed to realize the functionality of the computer program. Thus, as currently recited, Claim 89 is directed to an abstract idea that does not produce a concrete, useful and tangible result.

Claims 90-98 merely recite further software modules and instructions for performing various functions. Thus, none of Claims 90-98 produce a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 51, 52, 54-71, 77-88 and 90-98 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 51, 77 and 90:

Claim 51 recites "*wherein an actual value of a page component placed on the web page is determined by a function of the **nominal value** of the page component and of an **effectiveness** of the page component on the web page*" in Lines 9-11. This limitation is indefinite because, as recited, both the "nominal value" and the "effectiveness" of the page component are indeterminable.

As indicated in the above 101 rejections, the formulas to calculate the "nominal value" and the "effectiveness" of a component may include any number of variables and mathematical operations. Thus, the examiner cannot determine the scope of Claim 51.

Claims 77 and 90 correspond to Claim 51 and are rejected under 35 U.S.C. 112, second paragraph, using the same rationale.

Claims 52, 54-71, 78-88 and 91-98:

Claims 52, 54-71, 78-88 and 91-98 are dependent upon Claims 51, 77 and 90, and are thus rejected under 35 U.S.C. 112, second paragraph, using the same rationale indicated in the above rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 50-55, 69, 72, 73, 75-79, 82, 83, 89-91, 97 and 98 are rejected under 35 U.S.C. 102(e) as being anticipated by McElfresh et al., U.S. Patent Application Publication No. US 2003/0149938 (hereinafter, "McElfresh").

Claim 50:

McElfresh discloses *a method for building a web page, comprising:*

- *receiving a request from a user;*
- *dynamically composing a web page in response to the request; and*
- *making the web page available to the user.*

Claim 51:

McElfresh discloses *the method of Claim 50 wherein the step of dynamically composing a web page comprises:*

- *identifying a set of candidate components for the web page, each candidate component in the set of candidate components having a nominal value (see Page 4, Paragraph 0039, last sentence → McElfresh discloses this limitation in that the system comprises a database that returns possible ads for placement onto a web page); and*
- *selecting a subset of the candidate components for placement on the web page as page components (see Page 4, Paragraph 0043, last sentence → McElfresh discloses this limitation in that the system delivers a set of ads for display at available advertising slots on the web page),*

wherein the selecting is determined by an optimization of an actual page value of the web page (see Page 1, Paragraph 0001, first sentence → McElfresh discloses this limitation in that the system optimizes placement of ads onto the web page),

wherein the actual page value of the web page is a function of a respective actual value of each page component placed on the web page (see Page 4, Paragraph 0043, last sentence → McElfresh discloses this limitation in that the delivered set of ads optimizes the value of the web page), and

wherein an actual value of a page component placed on the web page is determined by a function of a nominal value of the page component and of an effectiveness of the page component on the web page (see Page 4, Paragraph 0039, last sentence; see Page 4, Paragraph 0043, last sentence → McElfresh discloses this limitation in that the possible ads fit characteristics of a user and the delivered set of ads is determined based on performance stats).

Claim 52:

McElfresh discloses the method of Claim 51, wherein the actual value of each page component placed on the web page is in a common unit of measure (see Page 4, Paragraph 0039, last sentence; see Page 4, Paragraph 0043, last sentence → McElfresh discloses this limitation in that the ranks the delivered set of ads according to calculations for the ads).

Claim 53:

McElfresh discloses *the method of Claim 50, wherein the step of receiving a request from a user comprises receiving the request via a browser.*

Claim 54:

McElfresh discloses *the method of Claim 51, wherein the subset of candidate components include one or more of a content page component, a link page component, and an advertisement page component.*

Claim 55:

McElfresh discloses *the method of Claim 51, wherein the actual page value equals a sum of the actual values of the page components on the web page (McElfresh discloses this limitation in that the value for the web page equals a sum of the values of the ads displayed on the web page), and the actual value of each page component on the web page equals the nominal value of the page component multiplied by the effectiveness of the page component on the web page (McElfresh discloses this limitation in that the value of each ad displayed on the web page is determined using the characteristics of a user and the performance stats).*

Claim 69:

McElfresh discloses *the method of Claim 51, wherein the step of identifying said set of candidate components for the web page comprises identifying one or more page*

components used in a default composition of the web page, and the step of selecting a subset of the candidate components for placement on the web page as page components comprises eliminating a page components used in the default composition of the web page when such elimination increases the actual page value of the web page (see Figures 1 and 2; see Page 3, Paragraphs 0031-0033 → McElfresh discloses these limitations in that the system replaces the web page title block with the highest scoring ad).

Claim 72:

McElfresh discloses the method of Claim 50, wherein the step of dynamically composing a web page in response to the request comprises:

- using a static composition for a portion of the web page; and*
- dynamically composing a remainder of the web page in response to the request.*

Claim 73:

McElfresh discloses the method of Claim 50, wherein the request uniquely identifies a web page.

Claim 75:

McElfresh discloses the method of Claim 50, wherein the step of making the web page available to the user comprises transmitting the web page to the user.

Claim 76:

McElfresh discloses *the method of Claim 50 wherein the step of receiving a request from a user comprises receiving a request from the user via the Internet, the step of dynamically composing a web page in response to the request comprises dynamically composing a web page in response to the request, and the step of making the web page available to the user comprises transmitting the web page to the user via the Internet.*

Claim 77:

McElfresh discloses *a method for building a database of page components for use in building a web page in response to a request from a user* (see Page 1, Paragraph 0002, first sentence; see Page 2, Paragraph 0015, second sentence → McElfresh discloses this limitation, as clearly indicated in the cited text), *the method comprising:*

- *receiving information describing a plurality of page components* (see Page 4, Paragraph 0039, first and second sentences → McElfresh discloses this limitation in that the system allows advertisers to create and upload ads to an ad/content database);
- *registering the plurality of page components in a database of page components to reflect the received information* (see Page 4, Paragraph 0039, first and second sentences → McElfresh discloses this limitation in that the system allows advertisers to create and upload ads to an ad/content database);

- *receiving a request from a user (as indicated in the above rejection of Claim 50, McElfresh discloses this limitation);*
- *identifying a set of candidate components from the database of page components, each candidate component having a nominal value (as indicated in the above rejection of Claim 51, McElfresh discloses this limitation);*
- *selecting a subset of the candidate components for placement on the web page as page components (as indicated in the above rejection of Claim 51, McElfresh discloses this limitation),*

wherein the selecting is determined by an optimization of an actual page value of the web page (as indicated in the above rejection of Claim 51, McElfresh discloses this limitation),

wherein the actual page value of the web page is a function of a respective actual value of each page component placed on the web page (as indicated in the above rejection of Claim 51, McElfresh discloses this limitation), and

wherein an actual value of a page component placed on the web page is determined by a function of the nominal value of the page component and of an effectiveness of the page component on the web page (as indicated in the above rejection of Claim 51, McElfresh discloses this limitation); and

- *making the web page available to the user (as indicated in the above rejection of Claim 50, McElfresh discloses this limitation).*

Claim 78:

McElfresh discloses *the method of Claim 77 wherein the step of receiving a request from a user comprises receiving a request from a web server on behalf of a browser operated by the user* (as indicated in the above rejection of Claim 53, McElfresh discloses this limitation), *and the step of making the web page available to the user comprises identifying the subset of candidate page components to the web server for composition of the web page* (McElfresh discloses this limitation in that the system “identifies” the ads to be displayed on the web page when it “selects” the ads).

Claim 79:

McElfresh discloses *the method of Claim 77, wherein the received information comprises a category for classifying a page component in said plurality of page components* (see Page 4, Paragraph 0040, third sentence → McElfresh discloses this limitation in that the system categorizes performance data of the ads), *and the step of identifying a set of candidate components from the database of page components comprises identifying the candidate component based at least in part on the category of a page component in the database of page components* (see Page 4, Paragraph 0042, second through fourth sentences → McElfresh discloses this limitation in that the system selects the ads for display on the web page based on the performance data).

Claim 82:

McElfresh discloses *the method of Claim 77, wherein, for each page component in at least a portion of the page components in the plurality of page components, the received information comprises relevant date information for the page component* (see Page 4, Paragraph 0038, second sentence → McElfresh discloses this limitation in that the ad/content database includes information about ad contracts).

Claim 83:

McElfresh discloses *the method of Claim 77, wherein the received information comprises a target demographic for a page component in the plurality of page components, and a nominal value for the page component is a function of a match between the target demographic and a demographic profile of the user* (see Page 4, Paragraph 0038, second sentence; see Page 4, Paragraph 0044, fourth sentence; see Page 7, Paragraph 0070, second sentence → McElfresh discloses this limitation in that the ad/content database includes information regarding constraints on demographic variables which must hold for the ad to be presented. Additionally, the programmer responsible for creating/maintaining the ad-placement services may set up/adjust the ad-selection criteria to target a particular demographic.).

Claim 89:

McElfresh discloses *a computer system for building a web page in response to a request from a user* (see Page 1, Paragraph 0002, first sentence; see Page 2,

Paragraph 0015, second sentence → McElfresh discloses this limitation, as clearly indicated in the cited text), *the system comprising:*

- *a runtime database comprising runtime information describing a plurality of page components that can be used to compose a web page (see Page 4, Paragraph 0038 → McElfresh discloses this limitation in that the system comprises an ad/content database); and*
- *a runtime server coupled to the runtime database, the runtime server comprising:*
 - *instructions for receiving a request from a user;*
 - *instructions for accessing the runtime database to dynamically compose the web page in response to the request; and*
 - *instructions for making the web page available to the user (These limitation correspond to the limitations recited in Claim 50. McElfresh discloses these limitations, as indicated in the above rejection for Claim 50.).*

Claims 90, 91 and 97:

Claims 90, 91 and 97 merely recite a computer system that performs the method of Claims 51, 55 and 77. The ad/content placement system disclosed in McElfresh operates via a computer system. Thus, McElfresh discloses every limitation of Claims 90, 91 and 97, as indicated in the above rejections for Claims 51, 55 and 77.

Claim 98:

McElfresh discloses *the system of Claim 97, wherein the management server further comprises instructions for communicating a component registration change to the runtime server* (see Page 4, Paragraph 0038, second sentence; see Page 4, Paragraph 0044, fourth sentence → McElfresh discloses this limitation in that the ad/content database includes information regarding constraints on demographic variables which must hold for the ad to be presented, and the programmer responsible for creating/maintaining the ad-placement services may set up/adjust the ad-selection criteria to target a particular demographic.).

Claims 50, 51, 55-59, 61-63, 65-68, 74, 77-79, 82-85, 87 and 89-97 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamangar et al. , U.S. Patent Application Publication No. US 2003/0046161 (hereinafter, "Kamangar").

Claim 50:

Kamangar discloses *a method for building a web page comprising:*

- *receiving a request from a user;*
- *dynamically composing a web page in response to the request; and*
- *making the web page available to the user.*

Claim 51:

Kamangar discloses *the method of Claim 50 wherein the step of dynamically composing a web page comprises:*

- *identifying a set of candidate components for the web page, each candidate component in the set of candidate components having a nominal value (see Page 4, Paragraph 0040, second and third sentences → Kamangar discloses this limitation in that the system obtains a list of candidate ads based on performance parameters for each of the candidate ads); and*
- *selecting a subset of the candidate components for placement on the web page as page components (see Page 5, Paragraph 0049, first and second sentences → Kamangar discloses this limitation in that the system returns the highest scoring ads for display on the web page),*

wherein the selecting is determined by an optimization of an actual page value of the web page (see Page 1, Paragraph 0012, first sentence → Kamangar discloses this limitation in that the system maximizes the economic values of the ads displayed on the web page),

wherein the actual page value of the web page is a function of a respective actual value of each page component placed on the web page (see Page 4, Paragraph 0043, second and third sentences → Kamangar discloses this limitation in that the system returns the ads with the highest scores to the web page), and

wherein an actual value of a page component placed on the web page is determined by a function of a nominal value of the page component and of an effectiveness of the

page component on the web page (see Page 4, Paragraph 0040, fifth sentence; see Page 4, Paragraph 0044, last sentence; see Page 5, Paragraph 0048, second and third sentences; see Page 5, Paragraph 0049, last sentence; see page 5, Paragraph 0050, second through fourth sentences → Kamangar discloses this limitation in that the system considers many different factors in calculating the scores for the returned ads, such as those discussed in the cited text).

Claim 55:

Kamangar discloses *the method of Claim 51, wherein the actual page value equals a sum of the actual values of the page components on the web page* (Kamangar discloses this limitation in that the value for the web page equals a sum of the values of the ads displayed on the web page), *and the actual value of each page component on the web page equals the nominal value of the page component multiplied by the effectiveness of the page component on the web page* (see Page 5, Paragraph 0047, second sentence → Kamangar discloses this limitation, as clearly indicated in the cited text).

Claim 56:

Kamangar discloses *the method of Claim 51, further comprising:*

- *determining a nominal value of a candidate component in said subset of the candidate components,*

wherein the nominal value is a function of an aspect of the request (see Page 4, Paragraph 0041 → Kamangar discloses these limitations in that the performance parameters of the ads may be keyword-dependent).

Claim 57:

Kamangar discloses:

- *determining a nominal value of a candidate component in said subset of the candidate components,*

wherein the candidate component is an advertisement page component, and the determining is based on a function of a revenue generated by placement of the advertisement page component on the web page (see Page 4, Paragraph 0040, second and third sentences → Kamangar discloses this limitation in that the system obtains a list of candidate ads based on performance parameters for each of the candidate ads).

Claim 58:

Kamangar discloses *the method of Claim 51, further comprising:*

- *determining a nominal value of a candidate component in said subset of the candidate components as a function of a relevancy of the candidate component to the request (see Page 4, Paragraph 0041 → Kamangar discloses this limitation in that the performance parameters of the ads may be keyword-dependent).*

Claim 59:

Kamangar discloses *the method of Claim 58, wherein the request was generated by a requesting web page* (see Page 2, Paragraph 0025, second and fourth sentences → Kamangar discloses this limitation in that the system comprises a content server that submits requests for ads), *and the step of determining a nominal value of the candidate component as a function of a relevancy of the candidate component to the request comprises determining a nominal value of the candidate component as a function of a relevancy of the candidate component to the requesting web page* (see Page 3, Paragraph 0033, fifth sentence → Kamangar discloses this limitation in that the system comprises ad serving operations that may use relevancy determination operations to determine candidate ads for the request).

Claim 61:

Kamangar discloses *the method of Claim 58 wherein the step of determining a nominal value of the candidate component comprises determining a nominal value of the candidate component based on a relevance of the candidate component to a demographic profile of the user* (see Page 3, Paragraph 0035 → Kamangar discloses this limitation in that the system comprises a centralized database that stores personal information about users).

Claim 62:

Kamangar discloses *the method of Claim 58, wherein the step of determining a nominal value of the candidate component comprises determining a nominal value of the candidate component as a function of a geographic location of the user* (see Page 3, Paragraph 0035, fourth sentence → Kamangar discloses this limitation in that the system comprises a centralized database that stores zip codes of users).

Claim 63:

Kamangar discloses *the method of Claim 58, wherein the step of determining a nominal value of the candidate component comprises determining a nominal value of the candidate component as a function of a relevance of the candidate component to a behavioral profile of the user* (see Page 4, Paragraph 0040, third sentence → Kamangar discloses this limitation in that the system comprises a performance database that stores performance information for the ads).

Claim 65:

Kamangar discloses *the method of Claim 51, further comprising:*

- *tracking user follow-through on the web page* (see Page 4, Paragraph 0040, fifth and sixth sentences; see Page 4, Paragraph 0042 → Kamangar discloses this limitation in that the system stores time-weighted performance data of the ads);
and

- *updating the nominal value of a page component on the web page in response to the tracking* (see Page 4, Paragraph 0040, fifth and sixth sentences; see Page 4, Paragraph 0042 → Kamangar discloses this limitation in that the system uses the time-weighted performance data to identify the candidate ads).

Claim 66:

Kamangar discloses *the method of Claim 65, wherein the step of tracking user follow-through on the web page comprises tracking link follow-through on the web page* (see Page 4, Paragraph 0040, fifth and sixth sentences; see Page 4, Paragraph 0042 → Kamangar discloses this limitation in that the system stores click-through data for the ads).

Claim 67:

Kamangar discloses *the method of Claim 51, wherein the effectiveness of the page component is a function of a placement of the page component on the web page* (see Page 2, Paragraph 0026, last sentence; see Page 2, Paragraph 0028, third sentence; see Page 3, Paragraph 0033, seventh sentence → Kamangar discloses this limitation in that the system selects ads for display on the web pages based on information concerning where to position the ads, the size and shape of the ads, and the display order of the ads) .

Claim 68:

Kamangar discloses *the method of Claim 51, wherein the effectiveness of the page component is a function of the identity of another page component on the web page* (see Page 4, Paragraph 0040, fifth sentence; see Page 5, Paragraph 0048; see Page 5, Paragraph 0050 → Kamangar discloses this limitation in that the performance parameters comprise a measure of user interest for an ad weighted for: 1) a size of the ad relative to other ads, and 2) past positions of the ad relative to the past positions of other ads. Also, the system can modify scores of ads in order to take “unique information” into account and adjust scores for new or low ranking ads, as indicated in the cited text. These actions affect the ads selected for display on the web page.).

Claim 74:

Kamangar discloses *the method of Claim 50, wherein the request comprises a search request.*

Claim 77:

Kamangar discloses *a method for building a database of page components for use in building a web page in response to a request from a user* (see Page 1, Paragraph 0012, first sentence; see Page 2, Paragraph 0024, third sentence → Kamangar discloses this limitation, as clearly indicated in the cited text), *the method comprising:*

- *receiving information describing a plurality of page components* (see Page 2, Paragraph 0024, third sentence → Kamangar discloses this limitation in that the system allows advertisers to enter and maintain ads);
- *registering the plurality of page components in a database of page components to reflect the received information* (see Page 2, Paragraph 0024, third sentence → Kamangar discloses this limitation in that the system allows advertisers to enter and maintain ads);
- *receiving a request from a user* (as indicated in the above rejection of Claim 50, Kamangar discloses this limitation);
- *identifying a set of candidate components from the database of page components, each candidate component having a nominal value* (as indicated in the above rejection of Claim 51, Kamangar discloses this limitation);
- *selecting a subset of the candidate components for placement on the web page as page components* (as indicated in the above rejection of Claim 51, Kamangar discloses this limitation),

wherein the selecting is determined by an optimization of an actual page value of the web page (as indicated in the above rejection of Claim 51, Kamangar discloses this limitation),

wherein the actual page value of the web page is a function of a respective actual value of each page component placed on the web page (as indicated in the above rejection of Claim 51, Kamangar discloses this limitation), *and*

wherein an actual value of a page component placed on the web page is determined by a function of the nominal value of the page component and of an effectiveness of the page component on the web page (as indicated in the above rejection of Claim 51, Kamangar discloses this limitation); and

- *making the web page available to the user (as indicated in the above rejection of Claim 50, Kamangar discloses this limitation).*

Claim 78:

Kamangar discloses the method of Claim 77 wherein the step of receiving a request from a user comprises receiving a request from a web server on behalf of a browser operated by the user (as indicated in the above rejection of Claim 53, Kamangar discloses this limitation), and the step of making the web page available to the user comprises identifying the subset of candidate page components to the web server for composition of the web page (Kamangar discloses this limitation in that the system “identifies” the ads to be displayed on the web page when it “selects” the ads).

Claim 79:

Kamangar discloses the method of Claim 77, wherein the received information comprises a category for classifying a page component in said plurality of page components (see Page 2, Paragraph 0025, last sentence; see Page 3, Paragraph 0030 → Kamangar discloses this limitation in that the system categorizes content requests submitted by users and matches ads accordingly), and the step of identifying a set of

candidate components from the database of page components comprises identifying the candidate component based at least in part on the category of a page component in the database of page components (see Page 2, Paragraph 0025, last sentence; see Page 3, Paragraph 0030 → Kamangar discloses this limitation in that the system categorizes content requests submitted by users and matches ads accordingly).

Claim 82:

Kamangar discloses the method of Claim 77, wherein, for each page component in at least a portion of the page components in the plurality of page components, the received information comprises relevant date information for the page component (see Page 2, Paragraph 0026, last sentence → Kamangar discloses this limitation in that the system transmits information concerning impression time and impression data).

Claim 83:

Kamangar discloses the method of Claim 77, wherein the received information comprises a target demographic for a page component in the plurality of page components, and a nominal value for the page component is a function of a match between the target demographic and a demographic profile of the user (see Page 3, Paragraph 0030, third sentence → Kamangar discloses this limitation in that the system demographically targets ads. Additionally, the programmer responsible for creating/maintaining the ad-serving operations may set up/adjust the ad-selection criteria to target a particular demographic.).

Claim 84:

Kamangar discloses *the method of Claim 77, wherein the received information comprises a subject matter descriptor for a first page component in the plurality of page components, and the step of identifying a set of candidate components from the database of page components comprises identifying the first page component based at least in part on the subject matter descriptor for the first page component* (see Page 3, Paragraph 0032, third sentence → Kamangar discloses this limitation in that the system comprises a search engine that matches ads with search results based on the search criteria entered by the user).

Claim 85:

Kamangar discloses *the method of Claim 84, wherein the subject matter descriptor comprises a keyword* (see Page 3, Paragraph 0032, third sentence → Kamangar discloses this limitation in that the system comprises a search engine that matches ads with search results based on the search criteria entered by the user).

Claim 87:

Kamangar discloses *the method of Claim 77, wherein the received information is received via a predefined application program interface* (see Page 3, Paragraph 0030, fourth sentence → Kamangar discloses this limitation in that the system allows advertisers to interface with the system).

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Claims 89-97:

Claims 89-97 merely recite a computer system that performs the method of Claims 50, 51, 55, 58, 61, 63, 65, 68 and 77, respectively. The system disclosed in Kamangar operates via a computer system. Thus, Kamangar discloses every limitation of Claims 89-97, as indicated in the above rejections for Claims 50, 51, 55, 58, 61, 63, 65, 68 and 77.

Claim 98:

Kamangar discloses *the system of Claim 97, wherein the management server further comprises instructions for communicating a component registration change to the runtime server* (see Page 3, Paragraph 0030, fourth sentence; see Page 5, Paragraph 0048 → Kamangar discloses this limitation in that the system allows advertisers to modify variables used to determine scores for ads. Additionally, the programmer responsible for creating/maintaining the ad-serving operation may set up/adjust the ad-selection criteria to target a particular demographic.).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 86 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamangar.

Claim 86:

As indicated in the above rejection, Kamangar discloses every limitation of Claim 77.

Kamangar fails to expressly disclose *wherein the received information is in a format based on a predefined template*.

However, the examiner takes **Official Notice** that it was well-known to one of ordinary skill in the art (e.g., a computer programmer who writes code for webcrawlers) at the time the invention was made to design a webcrawler that uses a “*format based on a predefined template*” to collect information about web page components. The “*format based on a predefined template*” allows the webcrawler software to index the web page components more efficiently. The system disclosed in Kamangar comprises a search engine and is thus combinable with webcrawler technology.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, to include:

- *received information [that] is in a format based on a predefined template,*
- for the purpose of facilitating the indexing of the crawled web page components.

The examiner also takes Official Notice that it was well-known to one of ordinary skill in the art (e.g., a computer programmer who writes code for data entry) at the time the invention was made to design a data entry software module that uses a "*format based on a predefined template*" to collect data from users. The recited claim language, "*format based on a predefined template*," reads on data entry forms, which facilitate data entry by presenting a user-friendly interface to the user. The system disclosed in Kamangar allows user to enter data into the system and is thus combinable with data entry technology.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, to include:

- *received information [that] is in a format based on a predefined template,*
- for the purpose of facilitating data entry.

Claim 88:

As indicated in the above rejection, Kamangar discloses every limitation of Claim 77.

Kamangar fails to expressly disclose *receiving information describing the plurality of page components [that] comprises:*

- *crawling through a network of web pages; and*

- *generating information describing a plurality of page components within the network of web pages.*

However, the examiner takes **Official Notice** that it was well-known to one of ordinary skill in the art (e.g., a computer programmer who writes code for in the areas of search engines and indexed databases) at the time the invention was made to use a webcrawler to populate a database with relevant data and generate information describing the data. The “*information describing*” the crawled data (e.g., web page components) allows the webcrawler software to index the data so that a user may subsequently search the data more efficiently. The system disclosed in Kamangar comprises a search engine and is thus combinable with webcrawler technology.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, to include *receiving information describing the plurality of page components [that] comprises:*

- *crawling through a network of web pages; and*
- *generating information describing a plurality of page components within the network of web pages,*

for the purpose of facilitating the indexing of the crawled data so that a user may subsequently search the data more efficiently.

Claims 60 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamangar, in view of McElfresh.

Claim 60:

As indicated in the above rejection, Kamangar discloses every limitation of Claim 59.

Kamangar fails to expressly disclose:

- *a candidate component [that] is a content candidate component.*

McElfresh teaches:

- *a candidate component [that] is a content candidate component* (see Pages 1-2, Paragraph 0011, last sentence → McElfresh discloses this limitation in that the system also may be used to select topic tiles),

for the purpose of optimizing click-through events for a website (see Page 1, Paragraph 0010).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, to include:

- *a candidate component [that] is a content candidate component.*

for the purpose of optimizing click-through events for a website, as taught by McElfresh.

Claim 69:

As indicated in the above rejection, Kamangar discloses every limitation of Claim 51.

Kamangar fails to expressly disclose:

- *identifying one or more page components used in a default composition of the web page; and*
- *eliminating a page components used in the default composition of the web page when such elimination increases the actual page value of the web page.*

McElfresh teaches:

- *identifying one or more page components used in a default composition of the web page; and*
- *eliminating a page components used in the default composition of the web page when such elimination increases the actual page value of the web page (see Figures 1 and 2; see Page 3, Paragraphs 0031-0033 → McElfresh discloses these limitations in that the system replaces the web page title block with the highest scoring ad),*

for the purpose of optimizing revenues generated by a web page (see Page 3, Paragraph 0031).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, to include:

- *identifying one or more page components used in a default composition of the web page; and*
- *eliminating a page components used in the default composition of the web page when such elimination increases the actual page value of the web page,*

for the purpose of optimizing revenues generated by a web page, as taught by McElfresh.

Claims 64, 70 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamangar, in view of Aggarwal et al., U.S. Patent No. 6,714,975 (hereinafter, Aggarwal).

Claim 64:

As indicated in the above rejection, Kamangar discloses every limitation of Claim 58.

Kamangar fails to expressly disclose *wherein the candidate component has a plurality of versions, and the step of determining a nominal value of the candidate component comprises determining a nominal value of the candidate component as a function of the version of the candidate component placed on the web page.*

Aggarwal teaches *a method for building a web page* (see Column 1, Lines 9-12 → Aggarwal teaches this limitation, as clearly indicated in the cited text), *comprising:*

- *identifying a candidate component [that] has a plurality of versions* (see Column 5, Lines 29-31; see Column 8, Lines 35-37 → Aggarwal teaches this limitation in that the system comprises a self-learning analyzer that takes into account different versions of an ad); *and*
- *determining a nominal value of the candidate component [that] comprises determining a nominal value of the candidate component as a function of the version of the candidate component placed on the web page* (see Column 9, Lines 16-32 → Aggarwal teaches this limitation in that the system assigns ads to web pages according to client characteristics and self-learned data),

for the purpose of dynamically assigning advertisements to appropriate slots on appropriate web pages based on a characteristic of the requesting client (see Column 2, Lines 33-38).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, to include:

- *identifying a candidate component [that] has a plurality of versions; and*

- *determining a nominal value of the candidate component [that] comprises determining a nominal value of the candidate component as a function of the version of the candidate component placed on the web page,*

for the purpose of dynamically assigning advertisements to appropriate slots on appropriate web pages based on a characteristic of the requesting client, as taught by Aggarwal.

Claim 70:

As indicated in the above rejection, Kamangar discloses every limitation of Claim 58.

Kamangar fails to expressly disclose *wherein the step of selecting a subset of the candidate components for placement on the web page as page components comprises:*

- *for at least one page component, selecting a version of the page component.*

Aggarwal teaches *a method for building a web page* (see Column 1, Lines 9-12 → Aggarwal teaches this limitation, as clearly indicated in the cited text), *comprising:*

- *selecting a subset of the candidate components for placement on the web page as page components,*

wherein the selecting comprises, for at least one page component, selecting a version of the page component (see Column 5, Lines 29-31; see Column 8, Lines 35-37; see

Column 9, Lines 16-32 → Aggarwal teaches this limitation in that the system comprises a self-learning analyzer that takes into account different versions of an ad and assigns the ads to web pages according to client characteristics and self-learned data), for the purpose of dynamically assigning advertisements to appropriate slots on appropriate web pages based on a characteristic of the requesting client (see Column 2, Lines 33-38).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, to include:

- *for at least one page component, selecting a version of the page component,*

for the purpose of dynamically assigning advertisements to appropriate slots on appropriate web pages based on a characteristic of the requesting client, as taught by Aggarwal.

Claim 80:

Claim 80 corresponds to the subject matter recited in Claims 64 and 70. Thus, Kamangar, in view of Aggarwal, disclose/teach every limitation of Claim 80, as indicated in the above rejections for Claims 64 and 70.

Claim 71 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamangar, in view of Aggarwal, and further in view of Llach, U.S. Patent Application Publication No. US 2004/0186776 (hereinafter, Llach).

Claim 71:

As indicated in the above rejection, Kamangar, in view of Aggarwal, discloses/teaches every limitation of Claim 70.

Kamangar, in view of Aggarwal, fails to expressly disclose/teach *wherein the step of selecting a version of the page component is a function of an available bandwidth for the user.*

Llach teaches *a method for building a web page* (see Figures 2 and 3; see Page 1, Paragraph 0009 → Llach teaches this limitation, as clearly indicated in the cited figures and text), *comprising:*

- *selecting a version of a page component,*

wherein the selecting is a function of an available bandwidth for the user (see Page 2, Paragraph 0021; see Page 3, Paragraphs 0026 and 0029 → Llach teaches these limitations in that the system selects ads for a variety of media, including personal computers, mobile telephones and PDAs),
for the purpose of maximizing advertising revenue (see Page 1, Paragraph 0006).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Kamangar, in view of Aggarwal, to include:

- *selecting a version of the page component [that] is a function of an available bandwidth for the user,*

for the purpose of maximizing advertising revenue, as taught by Llach.

Claim 81:

Claim 81 corresponds to the subject matter recited in Claim 71. Thus, Kamangar, in view of Aggarwal, and further in view of Llach disclose/teach every limitation of Claim 81, as indicated in the above rejection for Claim 71.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cui et al., U.S. Patent Application Publication No. US 2005/0021397; Eldering, U.S. Patent No. 7,062,510; Nelson et al., U.S. Patent Application Publication No. US 2003/0225620; Eldering, U.S. Patent No. 6,560,578; Gardenswartz et al., U.S. Patent No. 6,055,573 ; Angles et al., U.S. Patent No. 6,385,592; Veach, U.S. Patent Application Publication No. US 2004/0267612; and Bronnimann et al., U.S. Patent Application Publication No. US 2004/0044571.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
June 26, 2006



**DOUG HUTTON
PRIMARY EXAMINER
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